IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 17149 of 2004

Between:

M/s.Siddhartha Seeds, rep by its Proprietor;

Sri P.V.Subba Rao S/o.Bhikshaiah, Hindi
Carrying on business at Door No.2/4 Arundalpet, Guntur.

..... PETITIONER

AND

1 Government of Andhra Pradesh Rep.by its Principal Secretary Agriculture and Cooperation (Marketing) Department, Secretariat, Hyderabad.
2 Commissioner and Director of Marketing Burgula Ramakrishna Rao buidling Near Tank Bund, Hyderabad (AP)
3 The Director General of Vigilance & Enfocement, Burgula Ramakrishna Rao Building Near Tank Bund, Hyderabad, AP
4 Agricultural Market Committee Rep.by its Secretary, Guntur A.P.
5 Agricultural Market Committee Rep.by its Secretary, Piduguralla
Guntur District.
6 Agricultural Market Committee Rep.by its Secretary, Sattenapalli
Guntur District.
7 Agricultural Market Committee Rep.by its Secretary, Narasaraopet
Guntur District.
8 Agricultural Market Committee Rep.by its Secretary, Vinukonda
Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, particularly one in the nature of a writ of Mandamus, declaring the impugned action of the respondents in insisting to take licence and to pay the market fee on sale and purchase of SEEDS as illegal and without jurisdiction and issue consequential direction prohibiting the respondents from demanding to take licence and the market fee on the sale and purchase of Certified and Truthfully Labelled Seed for Sowing purpose from the petitioner and also direct the respondents to refund the illegally collected market fee from the petitioner.

Counsel for the Petitioner: MR.V.S.R.ANJANEYALU

Counsel for the Respondent No.: GP FOR AGRICULTURE

The Court made the following:

ORDER:

Both counsel appearing for the respective parties submit that the subject matter of this writ petition is squarely covered by the judgment of this Court dated 8.2.2005 in W.P.No.13527 of 2004 and batch. Following the same, this writ petition is ordered, directing that,

a. Seeds developed and manufactured by the petitioners, and sold as certified or labeled seeds, are not subject to levy of market fee, and the demand notices, if any, issued therefor are set aside.

b. Vegetable seeds are not covered by the provisions of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966 and are not subject to levy of market fee.

c. Such part of the product, grown out of foundation seed, by a farmer, chosen by the seed manufacturers, as it not sold and used as seed, shall be liable to be levied the market fee. For this purpose, the Executive Heads of the Market Committees shall be entitled to require the Seed Manufacturers, operating within the notified area, to furnish the relevant particulars and take consequential steps.

There shall be no order as to costs.

31.3.2005

kpr

To

1 The Principal Secretary to Govt., Agriculture and Cooperation (Marketing) Department, Secretariat, Hyderabad.
2 The Commissioner and Director of Marketing, Burgula Ramakrishna Rao building, Near Tank Bund, Hyderabad (AP)
3 The Director General of Vigilance & Enfocement, Burgula Ramakrishna Rao Building Near Tank Bund, Hyderabad, AP
4 The Secretary, Agricultural Market Committee, Guntur A.P.
5 The Secretary, Agricultural Market Committee, Piduguralla
Guntur District.
6 The Secretary, Agricultural Market Committee, Sattenapalli
Guntur District.
7 The Secretary, Agricultural Market Committee, Narasaraopet
Guntur District.
8 The Secretary, Agricultural Market Committee, Vinukonda
Guntur District.

9. 2 copies to the Govt. Pleader for Agriculture, High Court Buildings,

Hyderabad.

10. 2 C.D. copies